

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Transport Department – Sri K.Srihari, Senior Assistant -
Punishment of dismissal from service imposed – O.A. allowed – Orders of
punishment rescinded – Orders – Issued.

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TRANSPORT, ROADS AND BUILDINGS (Vig.III.1) DEPARTMENT

G.O.Ms.No. 9 .

Dated: 18th January, 2011.

Read the following:--

- 1) Proceedings R.No.11125/V4/2002, Dated 25.7.2007 of Transport Commissioner, Andhra Pradesh, Hyderabad.
- 2) Orders of Hon'ble Andhra Pradesh Administrative Tribunal Dated 30.12.2009 in O.A.No.11244/2009 filed by Sri K.Srihari, Senior Assistant.
- 3) Interim orders of the Hon'ble High Court of Andhra Pradesh Hyderabad Dated 20.10.2010 in W.P. No.17395/2010 in W.P.M.P.No.219576/2010 filed by Department.
- 4) From the Government Pleader for Ser.II, Andhra Pradesh High Court Lr.No.W.P.17395/10/SP/S.II/HC, Dated 29.12.2010.
- 5) Orders of Hon'ble Tribunal Dated 29.12.2010 in C.A. No.1522/2010 in O.A.No.11244/2009.
- 6) Government Pleader for Ser.II, Andhra Pradesh High Court Lr.No.W.P.17395/10/SP/S.II/HC, Dated 13.1.2011.
- 7) Govt.Memo.No.12172/Vig.III/1/2009, T.R&B.Department, Dated 13.1.2011.
- 8) From the Transport Commissioner, Andhra Pradesh, Hyderabad Letter No.11125/V4/2002, Dated 17.1.2011.

ORDER:

In the Proceedings 1st read above, the Transport Commissioner, Andhra Pradesh, Hyderabad has issued orders imposing the punishment of dismissal from service against Sri K.Srihari, Senior Assistant on the charge of misappropriation of Government money while he was working in the Office of the Regional Transport Office, Ongole.

2. Against the said punishment, Sri K.Srihari, Senior Assistant filed O.A.No.11244/2009 before the Honourable Andhra Pradesh Administrative Tribunal. The Hon'ble Tribunal in its orders 2nd read above, while setting aside the impugned orders issued by the Transport Commissioner in the reference 1st read above directed the respondents to reinstate the Applicant (Sri K.Srihari) into service with all consequential benefits, within six weeks from the date of receipt of that order.

3. The Office of Transport Commissioner, Andhra Pradesh, Hyderabad carried the matter to the High Court of Andhra Pradesh by filing W.P.No.17395/10. The Honourable High Court in its interim orders 3rd read above was pleased to pass the following orders:--

“there shall be interim suspension in so far as payment of consequential benefits are concerned.

However, if any, order of reinstatement is passed, the same would be subject to the result of the W.P.”

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4. A Clarificatory Petition was also filed before the Hon'ble High Court. The Hon'ble High Court dismissed the Clarificatory Petition holding that the earlier orders of the Hon'ble High Court were quite crystal clear.

5. The Transport Commissioner, Andhra Pradesh, Hyderabad was permitted to file an SLP before the Hon'ble Supreme Court of India vide Memo. 7th read above.

6. In the meanwhile, Sri K.Srihari, Sr.Asst. (dismissed) filed C.A.No.1522/2010 in O.A.No.11244/2009 and the Hon'ble Tribunal in its orders dated 29.12.2010 has directed the respondents to report compliance of the orders of the Tribunal 2nd read above and place before the Tribunal on 19.1.2011, failing which, they shall be present before the Tribunal on 19.1.2011.

7. In his letter 8th read above, the Transport Commissioner, Andhra Pradesh, Hyderabad has stated that it may be necessary to reinstate the individual into service subject to the result of the W.P./ S.L.P.

8. Government after careful examination of the matter decided to reinstate Sri K.Srihari, Senior Assistant, into service duly rescinding the Proceedings 1st read above, subject to the result of W.P.No.17395/2010 and also Special Leave Petition to be filed before the Hon'ble Supreme Court of India.

9. Accordingly, Government hereby reinstate Sri K.Srihari, Senior Assistant into service duly rescinding the orders issued in the Proceedings 1st read above subject to the result of W.P. No.17395/2010 and also Special Leave Petition to be filed in Supreme Court of India.

10. The Transport Commissioner, Andhra Pradesh, Hyderabad shall take necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DINESH KUMAR,
PRINCIPAL SECRETARY TO GOVERNMENT.

To
Sri K.Srihari, Sr.Asst. through the Transport Commissioner,
Andhra Pradesh, Hyderabad.
The Transport Commissioner, Andhra Pradesh, Hyderabad.
Copy to:
The Government Pleader for Services, APAT, Hyderabad. (4 copies)
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER.